

The Law Office of Ethan Mora
Ethan E. Mora (SBN 317937)
1040 E. Herndon Ave., Suite 105
Fresno, CA 93720
Telephone: (559) 370-1485

Attorney for Plaintiff
RYAN DELLONE

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RYAN DELLONE, an individual,

Plaintiff,

v.

COINBASE, INC., COINBASE GLOBAL, INC.,
and DOES 1-50; and 2.05698427 BITCOINS,

Defendants.

Case no. 1:23-CV-01408-ADA-HBK

**DECLARATION OF ETHAN E.
MORA IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ALTERNATIVE SERVICE AGAINST
DEFENDANT 2.05 BITCOINS**

I, Ethan E. Mora, declare as follows:

1. I am an attorney at law duly licensed and admitted to practice before the United States District Court, Eastern District of California. I am the attorney of record for Plaintiff, Ryan Dellone ("Mr. Dellone") in this action. I have personal knowledge of the following facts, and if called as a witness, I could and would testify competently thereto.

2. I have been investigating cybercrimes and assisting victims of cryptocurrency theft and data breaches since 2018. To that extent, I am familiar with some of the cryptocurrency tracing and Open-Source Intelligence techniques and tools used by private entities and law enforcement agencies, and I am aware of significant limitations regarding processes for recovering stolen cryptocurrencies, as well as several substantial barriers faced by victims of cybercrimes seeking to effectively pursue recourse and obtain justice.

1 3. In January 2022, Mr. Dellone retained my office (The Law Office of Ethan Mora)
2 to assist with the investigation of the alleged theft of his cryptocurrencies.

3 4. On January 6, 2022, I filed a report on behalf of Mr. Dellone, with the Federal
4 Bureau of Investigation's Internet Crime Complaint Center ("IC3"), on the IC3 website.

5 5. On January 17, 2022, I filed a police report on behalf of Mr. Dellone, with the
6 Fresno Police Department, using the Fresno PD's coplogic platform.

7 6. On January 19, 2022, I met with Detective Timothy Johnson of the Fresno PD, in
8 person, at his office. He informed me that he is one of two detectives assigned to the Fresno PD's
9 Financial Crimes unit, and the other detective focuses primarily on elder abuse cases.

10 7. In or around May 2022, Mr. Dellone retained the law firm of Bennett & Demera
11 LLP to assist him in prospective litigation concerning the theft of his property; and in or around
12 September 2022, Mr. Dellone terminated his relationship with that firm.

13 8. Between January 2022 and April 2023, I identified the **bc1 Wallet**
14 (bc1qjp79ak6fxm4h7j0tsrwqx2n2k4tcqqveqxrvgm) as the location of Mr. Dellone's stolen assets,
15 and my office began monitoring the **bc1 Wallet** address. During that time, my office provided Mr.
16 Dellone with legal services, which included investigating the alleged theft, corresponding with law
17 enforcement officials and parties involved, and sending demand letters. Using online blockchain
18 explorers (e.g., Blockchain.com), I determined that the bitcoins in the **bc1 Wallet** are traceable
19 from these (and potentially other) addresses: bc1qwp62svuvwsde5rv573h8uu0csjuewzup6dvclj;
20 bc1qmfpphyfc38xf8ytmk8aeyr4sw70lr767tlzmqr; 3DcopM3iaoL2siD3BgGpGoENFwa5anJoKj.

21 9. In April 2023, Mr. Dellone retained my office to represent him as his litigation
22 counsel in the instant litigation.

23 10. In May 2023, I sent multiple emails to Matt Turetsky, the in-house "Director,
24 Associate General Counsel, Litigation" for the Coinbase Defendants, requesting information about
25 the **bc1 Wallet**, including whether the Coinbase Defendants control that wallet. Mr. Turetsky never
26 provided that information.

27 11. In June 2023, I learned that Mr. Dellone had received a "Victim Notification
28 System" letter, dated June 29, 2023, from the Department of Justice for the District of New Jersey,

1 which stated that Mr. Dellone had been identified as a victim or potential victim in the criminal
2 matter, *USA v. Katz*, Dkt. No. 21-10413 (filed December 9, 2022, D. N.J.). I began monitoring the
3 *Katz* case on PACER.

4 12. Between June 2023 and August 2023, I called the U.S. Attorneys Office for the
5 District of New Jersey over twenty times, seeking information about the *Katz* case, and attempting
6 to make contact with the relevant prosecutors. I was informed by a DOJ “victim witness
7 professional” that a plea hearing was scheduled to take place in the *Katz* case in August 2023.

8 13. According to PACER, the last docket entry in the *Katz* matter is a continuation, to
9 May 2023, of a plea hearing scheduled for February 2022.

10 14. In or around September 2023, I made contact with the DOJ’s Cybercrime Unit
11 Chief for the U.S. Attorney’s Office in Newark, Assistant U.S. Attorney (AUSA) Anthony
12 Tontore, and with the lead prosecutor in the *Katz* case, AUSA Sophie Reiter. AUSA Tontore
13 informed me that the Victim Notification System letter Mr. Dellone had received on June 29, 2023
14 was sent erroneously, and that Mr. Dellone is not a victim or potential victim in the *Katz* case.
15 AUSA Reiter has informed me that the criminal matter in which Mr. Dellone is a victim is subject
16 to a grand jury investigation, and she has been unable to confirm whether the DOJ has information
17 about or custody of the *bc1 Wallet*.

18 15. On September 13, 2023, I used the *1Laaw Wallet*
19 (1LaawSa4icoazeiC225ji2ewAHipehs6z4) to send sent an OP_RETURN transaction to the *bc1*
20 *Wallet*, with the following message included: “R.D.”. (Transaction hash:
21 9bdf7f4fe8820f7ca33f0a6b12e4a2b9c0403a52a2266bf13a671aa5070d3d3a).

22 16. On September 14, 2023, I informed AUSA Reiter via email that I had sent the
23 OP_RETURN transaction with my client’s initials to the *bc1 Wallet*.

24 17. On October 10, 2023, Adam Vukovic, of the law firm, Bryan Cave Leighton
25 Paisner LLP, informed me via email that his clients, Coinbase, Inc. and Coinbase Global, Inc., do
26 not control the *bc1 Wallet*.

27 18. On October 14, 2023, I created an online drive folder, and I uploaded the Summons,
28 Civil Cover Sheet, and the Complaint including Exhibits A, B, and C thereto (collectively, the

“Service Documents”) to the folder; I also created a shortform hyperlink, directing to electronic version copies of the Service Documents; and I used the *1Laaw Wallet* to send two OP_RETURN transactions to the *bc1 Wallet*. The first transaction reads: “OSERVICE - SUMMONS, COMPLAINT U.S. Dist. E.D. Cal. LINK: t.ly/123cv01408_service.” (Transaction hash: 235e97b6ed651561eb8e690bd6cec45f7d383027c2b1ccf1a6abd68913dac14f). The second transaction reads: “#039;LAWSUIT https://t.ly/123cv01408_service.” (Transaction hash: 3f6d743409afbfd1da359ed94c1a70dab01791f1c21a7aa7de5c6b0843e6df78).

19. On October 14, 2023, I hand-delivered completed copies of USM-285 forms to the U.S. Marshals, at the following address, 2500 Tulare Street, 3501, Fresno, California, 93721. The completed USM forms provide instructions for serving the Bitcoin Defendant via OP_RETURN transaction-messages sent to the Bitcoin wallet addresses provided in the Motion filed herewith, and in Paragraph 8 of this Declaration.

20. Around 4:00 pm PST on October 17, 2023, I spoke with Adam Vukovic via telephone. He confirmed his clients (the Coinbase Defendants) do not control the *bc1 Wallet*’s private key, and that the Coinbase Defendants may be unable, or unwilling to provide information concerning the Bitcoin Defendant. I informed Mr. Vukovic of my intent to file a motion for alternative service, and he confirmed that he would accept service of the documents electronically, via email, on behalf of Coinbase.

21. Despite my best efforts, I have not been able to identify any physical addresses or personally identifiable information associated with the Bitcoin Defendant.

22. At the time of filing this Declaration, the *bc1 Wallet* has not been involved in any transactions since December 14, 2021, apart from than the transactions I sent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: October 18, 2023

By: /s/ Ethan E. Mora

Ethan E. Mora